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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,921	06/23/2000	Therese A. Voevodsky	COM31 P-301	1017
277	7590	03/12/2004	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			PARDO, THUY N	
ART UNIT		PAPER NUMBER		
2175		12		
DATE MAILED: 03/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/602,921	VOEVODSKY, THERESE A.
	<b>Examiner</b>	<b>Art Unit</b>
	Thuy Pardo	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 January 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. Applicant's Request for Reconsideration filed on January 12, 2004 in response to Examiner's Office Action has been reviewed.
2. Claims 1-21 are presented for examination.
3. The text of those sections of Title 35, U.S. Code § 102 and § 103 not included in this action can be found in a prior Office Action.
4. Claims 1, 3-8, 10-15, and 17-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Kahn et al.** (Hereinafter “Kahn”) US Patent No. 6,401,079, and claims 2, 9, and 16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kahn et al.** (Hereinafter “Kahn”) US Patent No. 6,401,079, in view of **Nguyen et al.** (Hereinafter “Nguyen”) U.S. Patent No. 5,737,592.
5. **Kahn** and **Nguyen** were cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

### ***Response to Arguments***

- (A) Applicant argues that Kahn is directed to a processing tool that a single employer utilizes to process the single employer's payroll for the single employer's employees.

As to point (A), examiner respectfully disagrees. Examiner believes that this feature is taught by Kahn. Kahn teaches sharing information between multiple employers and employees on the Web-based system see the abstract; col. 5, lines 40-46; col. 11, lines 34-42].

(B) Applicant argues that Kahn does not teach correlating employee data to a plurality of employee attributes. Further, Kahn does not teach receiving a query, which includes at least one desired employee attribute from a specific subscriber and compiling a report which provides associated employee data for employees that have the at least one desired employee attribute.

As to point (B), Examiner respectfully disagrees. Examiner believes that this feature is taught by Kahn. Kahn teaches SQL statements (or query) that calculate legally-required overtime (desired attribute) for all employees, collect the list of non-exempt employees in the payroll group, and for each such employee [see col. 14, lines 31-39]. Kahn also teaches correlating employee data to a plurality of employee attributes by allocating the sharing of payments for other employee benefit programs between employers and employees [col. 5, lines 40-46] in order to compile a custom report to the appropriate party such as an employer [comparative salary survey for particular jobs can be aggregated from multiple employers, col. 37, lines 63-67].

(C) Applicant argues that the employee data is not an employee's attribute as defined in Applicant's Specification.

As to point (C), Examiner respectfully disagrees. Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "skills and responsibilities") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993). Examiner believes that employee data such as an employee name, employee ID, employee SSN, date of birth, etc., are considered attributes of an employee in a database.

(D ) Applicant argues that Kahn does not teach associating a query with a specific subscriber, storing the query and providing an updated report when the specific subscriber selects the stored query, such that the specific subscriber is not required to again enter at least one desired employee attribute associated with the stored query.

As to point (D), Examiner respectfully disagrees. Examiner believes that this feature is taught by Kahn. Kahn teaches associating the query with the specific subscriber [SQL statements that calculate legally-required overtime for employee, col. 14, lines 20-67]; storing the query [stored procedure contains SQL statements, col. 14, lines 31-43]; and providing an updated report [updating the employee's paycheck due to the rules that have been updated or created, col. 15, lines 20-31; col. 14, lines 8-67] when the specific subscriber selects the stored query [stored procedure will clear out any previous calculated overtime from the employee's timesheet and insert the newly calculated overtime hours, col. 14, lines 56-61], wherein the specific subscriber is not required to again enter at least one desired employee attribute associated with the stored query [rules and calculations can be easily modified by adding or deleting steps within database tables, without manually modifying the SQL statements within the stored procedures, col. 14, lines 20-30].

6. Applicant's arguments filed on January 12, 2004 have been fully considered but they are not persuasive.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions.*)

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**9. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

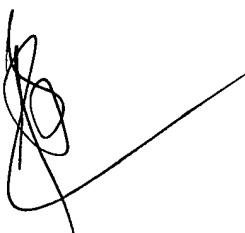
**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



Thuy Pardo  
March 11, 2004